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IN THE HIGH COURT OF CHHATTISGARH

AT BILASPUR

W. P. NO. 5107 **/2005**

PETITIONER :- Dr. Sunil Kumar Yadav (S.R. Yadav) S/o Late Shri B.R. Yadav, aged about 40 years, Occupation-Asst. Surgeon, Maharani Hospital, Jagdalpur, R/o Qty. No. F-1, Nayapara, Jagdalpur, Distt. Bastar (C.G.).

5,240/05 Pradeep Rathore 5/10/05

VERSUS

RESPONDENTS :1. State of Chhattisgarh Through: The Secretary, Public Health & Family Welfare and Medical Education Department, Dau Kalyan Singh Bhawan, Raipur (C.G.).

RECEIVED COPY 5.10.05 CLERK to A. G. BILASPUR

ARJUN SINGH BAG NOTARY BASTAR CIVIL DISTRICT Dist. Bastar (C.G.)

2. State of Madhya Pradesh Through : The Secretary, Public Health & Family Welfare and Medical Education Department, Vallabh Bhawan, Bhopal (M.P.)

R/C 05/10/05 Dr. Thakur Vijay Singh Asstt. S.G.

3. The Secretary, General Administration Department (G.A.D.) & State Re-oragnisation Cell Vallabh Bhawan, Bhopal (M.P.).

4. Union of India, Through : The Secretary, Ministry of Personal Public Grievances and Pension, Personnel & Training Department, New Delhi.

S. Yadav

5. Director, Health Services, Raipur (C.G.).

6. Chief Medical & Health Officer, Jagdalpur, Distt. Bastar (C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT, DIRECTION, ORDER TO DO JUSTICE IN THE MATTER

XI-HC—78

(37)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 5107/05 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

2/1/2006

Shri Subhash Yadav, Counsel for the petitioner.
Shri Satish Gupta, Dy. Govt. Advcoate, for the State.

Heard.

The petitioner, who is a Doctor, has filed the present petition challenging the action of respondents in not relieving him, though he has been finally allocated to the State of Madhya Pradesh.

State counsel does not dispute the fact.

This Court, while passing the order dated 17-12-2003 in W.P. No.516/03 (***Dr. Ashok Kumar Jain and others vs. State of Chhattisgarh and others***), has dealt with the matter in great detail.

Having thus considered and in view of the decision in the aforesaid case, in the opinion of this Court, it is directed that the order staying the operation of the relieving order is without any authority and cannot be sustained and the petitioner is entitled for relieving.

Accordingly, the writ petition is allowed and the respondents are directed to relieve the petitioner as early as possible preferably by 31st January, 2006.

Certified copy as per rules.

Copy to State counsel for compliance.

Sd/-
Fakhruddin
Judge

4.1.06 2/1/06